

CITY COUNCIL OF ALEXANDRIA, VIRGINIA

**Public Hearing Meeting
Saturday, May 17, 2003 - - 9:30 a.m.**

Present: Mayor Kerry J. Donley, Vice Mayor William C. Cleveland, Members of Council Claire M. Eberwein, William D. Euille, Redella S. Pepper, David G. Speck, and Joyce Woodson.

Absent: None.

Also Present: Mr. Sunderland, City Manager; Mr. Pessoa, City Attorney; Ms. Evans, Assistant City Manager; Mr. Jinks, Assistant City Manager; Mr. Baier, Director of Transportation and Environmental Services; Ms. Fogarty, Director of Planning and Zoning; Ms. Ross, Deputy Director of Planning and Zoning; Ms. Whitmore, Director of Recreation, Parks and Cultural Activities; Mr. Kincannon and Ms. Barnett, Deputy Directors of Recreation, Parks and Cultural Activities; Mr. Culpepper, Deputy Director of Transportation and Environmental Services; Ms. Steele, Interim Director of Human Services; Ms. Chis, Family Services Division Director; Ms. Davis, Director of Housing; Mr. Eiffert, Deputy Director of Housing; Urban Planners Farner, Milone, Peterson, Beeton, and Davis; Ms. Fogle, Neighborhood Planning & Community Development Division Chief; City Engineer Baker; Code Enforcement Director Dahlberg; and Police Lieutenant Uzzell.

Recorded by: Mrs. Beverly I. Jett, City Clerk and Clerk of Council.

OPENING

The Meeting was called to Order by Mayor Donley, and the City Clerk called the Roll; all Members of City Council were present.

New Business Item No. 1: Mayor Donley wished Councilwoman Woodson a Happy Birthday and will try to see that the meeting is over in a reasonable time so she can enjoy her evening.

New Business Item No. 2: Councilman Speck introduced Adam Justus. He is a senior at St. Stephens/St. Agnes. He is going to UVA. Adam is working on a senior project in local government and will be observing the Council Meeting today.

2. Public Discussion Period.

(a) Sally Ann Greer, 1168 North Pitt Street, asked for the preservation of 15 trees out of 61 trees on the periphery of the Samuel Madden Homes redevelopment site; a copy of Ms. Greer's statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 2(a); 5/17/03, and is incorporated herewith as part of this record by reference.

Mayor Donley noted that there is a condition to try to preserve some of the trees in the project, or, at least, try to maintain them until they have to go down. He asked the City Manager to brief the Council on this issue.

City Manager Sunderland reported, according to the current schedule, none of the trees are coming down until the early part of July. The way we left it at the Samuel Madden meeting was that there will be a preliminary decision on the tax credit application in late May. If there is a favorable decision, then construction will begin in early September and most of the trees would come down in early July. The idea being even if we preserve them and made the demolition more expensive, we would only preserve them for a little less than two months at most. If the tax credit application is not accepted, then we're going to have to revisit the whole issue of demolition and trees. The work group will convene to decide how the whole project goes at that point. He does not recall if the trees in the public right-of-way are to come down or are to be preserved.

Deputy Director of Planning and Zoning Ross reported that her recollection is that the issue was not addressed in the approval. It was assumed that they were going to stay up.

City Manager Sunderland stated that before we go home tonight staff will check and let Ms. Greer know one way or another. He noted that if the approval has the trees coming down, then the trees will come down in accordance with the schedule he provided, or, at least, for those in the right-of-way probably in September. If the approval does not have the trees in the right-of-way coming down, then they're not going to come down.

Mayor Donley indicated we'll find out exactly what the status is regarding the trees on the public right-of-way. If they're not scheduled to come down, they'll stay. If they are scheduled to come down, then Council is going to have to try to make a decision and to determine what the impact is.

In the short term because of the demolition, City Manager Sunderland stated that the street trees will not come down.

Councilwoman Eberwein urged staff to ask the developer, unless Council has already mandated that they should come down, to make every kind of effort to preserve those trees. She asked that staff try to prevent the removal of these trees.

Ms. Greer noted that the trees on the opposite side of the street were successfully saved with no problem. She requested the City to let them know what the cost is, and if the City is not interested in that, it might be possible that they could raise the money.

Mayor Donley stated that there will be an answer today. Staff was requested to contact Ms. Greer directly regarding the status.

(b) Julie Crenshaw, 816 Queen Street, spoke to the Windmill Hill Park. In the original discussion of what was called a stream restoration, which is a drainage ditch, the design is a series of small retention ponds in the ditch to go down to the river. She indicated that the City may not want to use this kind of design because of West Nile virus. After the agreement was made to put a series of small retention ponds in, she noted that she did speak to Deputy Director of Recreation and Parks Kincannon and brought some things to his attention that had not been considered. She noted that she also mentioned this to the Waterfront Committee. Ms. Crenshaw stated that it is not wise to keep the current design of this particular drainage ditch for retention ponds of any kind as you do not want standing water. She would hope that there is something being considered to monitor this.

Director of Recreation and Parks Whitmore stated that Ms. Crenshaw has some very good points and that the outfall area has not been designed. We agree that there will not be standing water nor would it be designed that way. Ms. Whitmore thanked Ms. Crenshaw for bringing this forward.

(c) Jon Wilbor, 310 South Lee Street, spoke to the Windmill Hill Park. He stated that a sidewalk is to be installed this year on the 100 block of Gibbon Street and requested that the City consider putting in a full eight-foot walk coming down the side of the hill. When relocating the basketball court, he requested that a water fountain be included there. Secondly, in discussions with people who live around the park, he asked Council to consider putting the trail from the Wilkes Street tunnel back out to the sidewalk on its old alignment. There's still a curb cut there that could be used. It would keep the volleyball court in its old spot so that the noise from the volleyball play doesn't interfere more than it ever has with the neighbors surrounding it, and that the kids have immediate access to it without having to cross the bike trail.

The Members of City Council, Director of Recreation and Parks Whitmore, the City Manager and Mr. Wilbor participated in a discussion on this item.

Mayor Donley noted that the Council understands the issue, and he noted that there isn't a consensus to make any changes.

REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES

ACTION CONSENT CALENDAR (3-5)

Planning Commission

3. SPECIAL USE PERMIT #2003-0019 -- 5408 EISENHOWER AV -- CHRIS COLLINS DANCE STUDIO -- Public Hearing and Consideration of a request for a special use permit to operate a commercial school; zoned CG/Commercial General. Applicant: Chris Collins Dance Studio, Inc.

COMMISSION ACTION: Unanimous Consent

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 3; 5/17/03, and is incorporated herewith as part of this record by reference.)

4. SPECIAL USE PERMIT #2003-0020 -- 5000 SEMINARY RD -- HILTON HOTELS CORPORATION -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant with outdoor service; zoned CDD-4/Commercial Development District. Applicant: Tom Purcell, representing Hilton Hotels Corporation.

COMMISSION ACTION: Unanimous Consent

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 4; 5/17/03, and is incorporated herewith as part of this record by reference.)

5. SPECIAL USE PERMIT #2003-0015 -- 900 VIRGINIA AVE -- RUXTON HEALTH OF ALEXANDRIA -- Public Hearing and Consideration of request for a special use permit to identify the operator of a nursing facility; zoned R-8/Residential. Applicant: HR Acquisition One Corporation/Capstone Capital Corporation.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 5; 5/17/03, and is incorporated herewith as part of this record by reference.)

END OF ACTION CONSENT CALENDAR

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Action Consent Calendar as presented. City Council action is as follows:

3. City Council approved the Planning Commission recommendation.
4. City Council approved the Planning Commission recommendation.
5. City Council approved the Planning Commission recommendation.

The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

REPORTS AND RECOMMENDATIONS OF THE CITY MANAGER

6. Public Hearing on and Consideration of the Issue of the Regulation of Political Signs.

(A copy of the City Manager's memorandum dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 6; 5/17/03, and is incorporated herewith as part of this record by reference.)

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 2 of Item No. 6; 5/17/03, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Peter B. Mersky, 5129 Heritage Lane, requested that a specific requirement for the number of signs permitted be instituted, that signs be placed no longer than two weeks before the election and removed one week after the election;

Pat Troy, 310 Wolfe Street, recommended that two signs per island be allocated to every candidate, that the size be limited to 24" x 36", and expressed concerns about the danger of the wires that are used to hold the signs;

Katy Cannady, 20 East Oak Street, noted there is no better system than the one we have for signs, and they are sufficiently regulated; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of this item;

John Irvine, 2448 Garnett Drive, member, ADC Executive Committee, highlighted three areas recommended by the ADC Executive Committee as follows: (1) 27" x 16" would be a good size for signs on the public rights-of-way; (2) regarding the placement of signs, no more than 30 days before an election; and (3) regarding the safety, more enforcement needs to take place for compliance with signs placed 15 feet from the edge of the median;

Mike Oliver, 3113 Circle Hill Road, requested a limit on the median strip signs, one or two, two-sided signs per median, needed enforcement for adherence to the sign ordinance which leaves intersection unobstructed, sign wires cause substantial damage to lawn mowers and potential damage to the worker, and encouraged the use of yard signs;

Pat Butler, 400 Woodland Terrace, suggested a change in the law to permit the use of signs but in a more controlled manner as follows: (1) change the time period to somewhere between 2½ to 4½ weeks before an election; (2) restrict the use of right-of-way signs to specific areas in the City where medians are available and limit some of the medians, i.e., Duke east of Quaker and Monroe Avenue just north of Route One; (3) enforce the existing limits on size, placement, etc.; (4) continue the existing rules for yard signs; and (5) consider raising the bond to about \$500;

Mr. Butler responded to questions directed to him by Members of City Council.

Julie Crenshaw, 816 Queen Street, suggested that the size of signs on private property should be considered because some are very large and suggested the document which explains what can or can't be done with respect to political signs needs to be completely redone with where you can put things and what you can do. It is very, very confusing and that is part of the problem as it is not an understandable document;

Don Mela, 501 Slaters Lane, #722, in addition to reducing the density of the signs, he suggested that Council might want to request the Director of Transportation and Environmental Services to put a sign up that states: "For safety reasons, the signs cannot be placed in particular areas.";

Allison Cryor, 310 West Myrtle Street, brought four things to Council's attention as follows: (1) asked that the Council protect the political process and the opportunity to raise name identification; (2) do not increase the bond; (3) consider shortening the period in which signs are posted but not less than sixty days; and (4) increased enforcement, follow-up, and publicized to the general public what the rules are;

Mark S. Feldheim, 1215 Prince Street, suggested that the City use the GIS mapping system to map out where the signs can go; and

Bill Dickinson, 805 Quaker Lane, spoke to political "issue" signs on which the ordinance is silent and encouraged that Council take a look at the issue of "issue" ads and explicitly address it.

Councilman Speck stated that the question really is whether Council wants to consider at some point limiting further, by time and by location, where signs can go. This could lead to a discussion of whether there should be a limit on the number of signs per campaign per median. The appeal of identifying designated median areas for signs is that it very clearly states what isn't designated. It becomes a more enforceable issue. He noted that this is something to consider doing and to do it very carefully to make sure that it doesn't in any way limit the ability for a new candidate to become known. This would go a long way towards helping people to understand what's allowed and what isn't, and where it's allowed and where it isn't.

Councilman Euille agreed with limiting the size of the signs, raising the bond fee maybe from \$100 to \$250, signs to go up not before 45 days prior to an election, and reduce from 15 days to 7 days after the election for removal of the signs, and there's a need to do a better job at identifying the public rights-of-way where signs can be installed.

Councilwoman Woodson expressed concern about raising the bond fee. With regard to enforcement, she would prefer removing the signs from where they are not supposed to be rather than fining the person. With respect to the sign regulations, she stated that it would be very helpful for the City to include some of the language that citizens have brought to Council's attention today, i.e., streets that are acceptable as opposed to just the don'ts, and also, the locations that absolutely cannot have signs placed there. She suggested that perhaps a City sign could be posted that says "No signs posted from here to a certain point." Ms. Woodson suggested that within the City's regulations, it could be noted that an individual can only post a sign every so many feet which would encourage candidates to adhere to that and not have an over abundance of signs at one location. She expressed concern about public safety with the use of the metal wires holding the signs.

Vice Mayor Cleveland noted that he could go along with reducing the 90-day window to a 60-day window for posting of signs.

Councilwoman Pepper would like the following, if possible: (1) to limit the number of signs per median strip; (2) for a maximum of 30 days; (3) expressed some concern about increasing the bond and requiring that all signs be removed within 7 days after the election.

Mayor Donley suggested that Council consider a change to the ordinance that would permit the signs in medians only; consider a limit to the signs per candidate which would be 2 per median island per candidate; also, consider the time period to be 60 days prior to the election; leave the 15 days to get them removed; and increasing the bond would be onerous on school board candidates. Mayor Donley requested staff to prepare the ordinances and bring them back to Council for its consideration and another public hearing.

City Attorney Pessoa stated from an enforcement perspective 2 per median per island can lead to discussions of where do they begin and end. He suggested 2 within whatever number linear feet as something that is more objectively determinable.

Mayor Donley indicated that Council could consider something like that as the intent is to try to avoid a situation of over concentration. Also, make it fairly easy to understand. Maybe we need to look at rewriting what we give to the campaigns so that it states more affirmatively what you can do as opposed to what you can't do.

Councilman Speck clarified that this would be referring to two, two-sided signs. He expressed concern about enforcement issues. If you try to create a series of identifiable locations which are clearly identified as the places where signs are allowed, what it does is make equally clear where they are not permitted. He noted that this would take some effort but this might bear some consideration. You want to do it broadly, geographically inclusive, and make sure all of the heavily traveled areas are considered. This would go a long way towards helping to make it a more easily enforceable system.

Mayor Donley stated that Council might also want to consider a further statement in the ordinance that just not the signs need to be removed, but the supports as well.

City Attorney Pessoa asked if it is Council's preference for staff to bring back concepts for Council, and then take it through the formal process which includes the Planning Commission? The response was in the affirmative as it allows this Council to take a look at it, and the new Council will as well.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Woodson and carried on a vote of 6-to-0, City Council closed the public hearing and requested staff to bring back some concepts for Council's consideration. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Woodson	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	out of room
	Speck	"aye"	

7. Public Hearing on and Consideration of the Staff Recommendations for Reuse of the ARCH Facility at 716-718 North Columbus Street.

(A copy of the City Manager's memorandum dated May 13, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 7; 5/17/03, and is incorporated herewith as part of this record by reference.)

Mary Riley, 202 East Alexandria Avenue, spoke to the option suggested by the Community Services Board for use as a safe haven facility to serve as a place of refuge where chronically homeless persons might be coaxed off of the street to live in a safe home-like setting and over time accept treatment; a copy of her statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of this item.

Members of Council, Interim Director of Human Services Steele and City Manager Sunderland participated in the discussion.

WHEREUPON, upon motion by Councilman Euille, seconded by Councilwoman Pepper and carried unanimously, City Council closed the public hearing and asked staff to come back on May 27, with information about the safe haven option, and also their recommendation. The voting was as follows:

Euille	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

8. **MASTER PLAN AMENDMENT #2003-0005 -- TEXT AMENDMENT #2003-0003 -- REZONING #2003-0003** -- Public Hearing and Consideration of (1) an amendment to the Potomac West Small Area Plan chapter of the Master Plan to include the Upper Potomac West Task Force Report, the Long-Term Vision for the Arlandria Neighborhood and CDD Guidelines; (2) amended zoning maps to reflect the Neighborhood Retail (NR) zone and a new CDD #12; (3) amendments to Section 5-602 of the Alexandria Zoning Ordinance with respect to CDD#6 and CDD#7 and a new CDD#12; and (4) enactment of Section 4-1400 of the Alexandria Zoning Ordinance pertaining to the NR Neighborhood Retail zone. Applicant: City of Alexandria, Planning and Zoning Department

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 8; 5/17/03, and is incorporated herewith as part of this record by reference.

A copy of Ms. Fogarty's memorandum dated May 6, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item No. 8; 5/17/03, and is incorporated herewith as part of this record by reference.

A copy of Ms. Fogarty's memorandum dated May 16, 2003 [which includes a new Attachment 1 distributed by staff on May 17, 2003], is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 3 of Item No. 8; 5/17/03, and is incorporated herewith as part of this record by reference.

A copy of the PowerPoint presentation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of Item No. 8; 5/17/03, and is incorporated herewith as part of this record by reference.

Communications received on this item are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 5 of Item No. 8; 5/17/03, and is incorporated herewith as part of this record by reference.)

Planning and Zoning Director Fogarty provided Council with a brief overview of the plan.

The following persons participated in the public hearing on this item:

Marlin G. Lord, 2724 Hickory Street, spoke in support;

Catherine Riccio, 3913 Elbert Avenue, representing the Lenox Place Homeowners Association, spoke in support;

Ellen Marie Guldán, 142 Dale Street, representing the Hume Springs Citizens Association, spoke in support;

Harold A. Brooks, 29 West Reed Avenue, spoke in support;

Judy Bliss, 725 Four Mile Road, representing the Arlandria Civic Association, spoke in support;

Douglas Been, 2919 Hickory Street, representing the Warwick Village Citizens Association, spoke in support;

Thomas Welsh, 2100 Mount Vernon Avenue, spoke in support;

Kathleen Henry, 510 Four Mile Road, representing the Arlandria Chirilagua Cooperative, recommended that Council include the revised language in the Plan that would provide a height and mass transition from the mixed-use development down to the Chirilagua Cooperative, also recommended and urged the Council to adopt the implementation measures that are a part of the revisions this morning as they also agree that mechanisms to capture for the public benefit some of the value created by more intensive development is necessary, and that funds and/or reserved space can be used to support affordable housing and minority businesses in the area;

Victor Diagle, 3520 Mount Vernon Avenue, representing the Arlandria Community Business Association, urged the Council to adopt an amendment to this plan to have further discussion to address retention of the small businesses and also the community that they serve;

Florinda Ventura, 3900 Executive Avenue, #A-2, representing UNITY, expressed concern about higher rents, please adopt and include measures that will guarantee affordable housing for those living in Arlandria;

Fernando Nazabal, 3858 Mount Vernon Avenue, small business owner, noted that it is extremely important to go forward with this plan;

Kevin Beekman, 3905 Elbert Avenue, representing Lenox Place at Sunnyside HOA, spoke in support;

Chris Hamilton, 2912 Hickory Street, representing Warwick Village Citizens Association, spoke in support;

Andy Adams, 3801 Mount Vernon Avenue, spoke in support;

Edgar A. Rivera, 3915-B Bruce Street, #306, representing the Tenant and Workers' Support Committee, reported that they have an agreement and concept to work with the City particularly to the development of mechanisms for recapturing the wealth created by increasing density. They want concrete provisions that include funds and will reserve space that can be used to support affordable and existing business retention in Arlandria. They hope that the discussions will include representation that will reflect the Latino and African-American tenants, residents and small businesses. It is important to be inclusive in this process.

Bill Hendrickson, 304 East Spring Street, spoke in support;

Wilma Probst, 3808 Brighton Court, representing Brighton Square Homeowners, spoke in support;

Pat Miller, 1806 North Cliff Street, spoke in support, and read letter from Joseph Heller; a copy of Mr. Heller's letter is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of this item;

Brenda Reyes, 3200 Commonwealth Avenue, #202, representing Alexandria United Teens, spoke in support of the ongoing discussion to preserve our diversity;

James M. Shelby, 210 Wesmond Drive, representing the Tenant and Workers' Support Committee, supported this plan, and spoke to the details of implementation so that some of the concerns that there were initially can be met in the ongoing process by including representatives of the community;

Berhane Kubrom, 601 Four Mile Road, #522, representing AUTO, supported the ongoing discussions and requested protections for the renters in Arlandria;

Julie Crenshaw, 816 Queen Street, stated that since the Planning Commission meeting, it appears that some greater concern is being addressed for the people who live in this area and need affordable businesses and affordable housing. To achieve affordable housing and to achieve affordable businesses to keep these people and other people in other areas of Alexandria, will require additional study and may require additional thought processes from what we have seen thus far. If you really want affordable housing, and you really want affordable businesses where their rents do not go up because of improvements, you have to truly seek to address this.

Jonathan Rak, 1750 Tysons Boulevard, McLean, VA, attorney representing Ku Shim Partnership, Carolyn Alper, et al., and Zlotnick Kraft and Myers, requested on behalf of the property owners that the existing commercial general zoning district be retained for their particular properties rather than the neighborhood retail zone; a copy of his letter dated May 16, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 7 of this item;

Jeff, 24-Hour Express, 4007 Mount Vernon Avenue, representing 24-Hour Express, spoke to part of the ongoing business discussion.

Mayor Donley noted that when we get to adopting the plan, he would like to ask, however, on page 103, regarding implementation measures, we add specific references to the Small Business Development Center and business assistance relating to marketing plans, business plans, financial consulting and lease negotiation. Further, he would also like to request that we also amend the implementation measures to specifically reference the Virginia Asset Financing Corporation and land acquisition loans, such as the 504 Program.

Councilwoman Woodson noted that she is also going to be recommending adoption and, in fact, would like to make a motion to that effect, had some comments and would like some changes to it. Planning and Zoning Director Fogarty and City Manager Sunderland participated in the discussion with Ms. Woodson.

Mayor Donley suggested to Ms. Woodson to move adoption of the Potomac West Small Area Plan Chapter of the Master Plan to include the task force report and long-term vision and then offer her amendments to the report and the long-term vision. Mayor Donley stated that Council will now consider a motion by Ms. Woodson with changes to the long-term vision and Arlandria Neighborhood and CDD Guidelines that will include the Memorandum distributed by staff regarding implementation dated May 16.

City Attorney Pessoa stated that as he understands it what staff is passing out now is what was distributed in the memo with a few minor changes.

Councilwoman Woodson offered the following: adoption of the plan and added to it the material that was provided in the way of amendments to the Small Area Plan by staff dated May 16, 2003, and on the amended Attachment 1 [which was distributed by staff on May 17, 2003] added a point 8 as follows: "8. To establish a mechanism to capture increase in real property and land value for community betterment and provide technical assistance for the development of a commercial building ownership cooperative in Arlandria."; and on Attachment 2, changed item #5 to read: "5. Establish a task force, working group, or other organizational structure consisting of existing community groups, tenant organizations and property owners including but not limited to the Tenant and Workers' Support Committee, Hume Springs Civic Association, Arlandria Civic Association, and Chirilaqua Cooperative to provide technical and financial assistance in homeownership efforts."

Mayor Donley indicated that Ms. Woodson is going to make a motion that's going to include the amendments, there's a request to separate some of these amendments; therefore, he requested that Council put a motion on the floor with a second and then consider the amendments that Ms. Woodson is offering.

Councilwoman Woodson withdrew her offer to put a motion on the floor.

WHEREUPON, a motion was made by Councilwoman Eberwein, seconded by Councilwoman Pepper, to approve the recommendation of the Planning Commission with regard to the Master Plan, Text Amendment for the Arlandria Plan.

Mayor Donley stated that Council has a motion by Ms. Eberwein, seconded by Ms. Pepper to approve the Planning Commission recommendation regarding the Potomac West Small Area Plan, and he indicated that the motion will also include, or does it include the changes in the zoning as referenced in section 2 of the docket item as well as amendments to the zoning ordinance and the enactment of section 4-1400 of the zoning code to the NR zone.

Ms. Eberwein stated that all of those are part of the Planning Commission's recommendation.

Councilman Speck asked if it included the attachments?

Ms. Eberwein stated that her motion includes the recommendation of staff regarding the implementation measures as presented to Council in the memorandum received from staff dated May 16, 2003, with regard to the business mechanisms and the affordable housing stock.

Mayor Donley stated that a motion has been made by Ms. Eberwein, seconded by Ms. Pepper to approve the Planning Commission recommendation specifically related to the rezoning and the adoption of the plan as part of the master plan with the inclusion of the refinements to the implementation measures which were distributed by staff on May 17.

THEREUPON, a motion to offer amendments was made by Councilwoman Woodson, seconded by Vice Mayor Cleveland to add the following amendments: on the amended Attachment 1 [which was distributed by staff on May 17, 2003] added a point 8 as follows: "8. To establish a mechanism to capture increase in real property and land value for community betterment and provide technical assistance for the development of a commercial building ownership cooperative in Arlandria."; and on Attachment 2, changed item #5 to read: "5. Establish a task force, working group, or other organizational structure consisting of existing community groups, tenant organizations and property owners including but not limited to the Tenant and Workers' Support Committee, Hume Springs Civic Association, Arlandria Civic Association, and Chirilaqua Cooperative to provide technical and financial assistance in homeownership efforts."

There was discussion on the two amendments.

Councilwoman Woodson agreed to separate the amendments, but she would like to reserve the right to bring item 8 back so that it can be very clear exactly what the intent is for item 8, so that there isn't any question that there isn't a necessary connection between capturing value and the creation of anything in particular.

Mayor Donley noted that Council will consider the two amendments as separate motions; the amendment that will be considered first will be Attachment 2, #5. Is there any discussion on that?

Councilman Speck and Councilwoman Eberwein questioned the reasoning for this amendment.

WHEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland and carried on a vote of 5-to-2, City Council approved the amendment to Attachment 2, #5 as follows: "5. Establish a task force, working group, or other organizational structure consisting of existing community groups, tenant organizations and property owners including but not limited to the Tenant and Workers' Support Committee, Hume Springs Civic Association, Arlandria Civic Association, and Chirilaqua Cooperative to provide technical and financial assistance in homeownership efforts." The voting was as follows:

Woodson	"aye"	Eberwein	"no"
Cleveland	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
		Speck	"no"

THEREUPON, upon motion by Councilwoman Woodson, seconded by Vice Mayor Cleveland, Council considered the amendment to the amended Attachment 1, adding a point 8 as follows: "8. To establish a mechanism to capture increase in real property and land value for community betterment and provide technical assistance for the development of a commercial building ownership cooperative in Arlandria."; which motion **FAILED** by a vote of 2-to-5. The voting was as follows:

Woodson	"aye"	Eberwein	"no"
Cleveland	"aye"	Euille	"no"
Donley	"no"	Pepper	"no"
		Speck	"no"

WHEREUPON, Council returned to the main motion, as amended, made by Councilwoman Eberwein, seconded by Councilwoman Pepper and carried unanimously, City Council approved the Planning Commission recommendations [regarding the Master Plan Amendment, the Rezoning and the Text Amendment] with the inclusion of the recommendations of staff regarding the implementation measures as presented to Council in the memo received from staff dated May 16, 2003, with regard to the business mechanisms and the affordable housing stock, **with the following amendment: [re: staff memo dated May 16, 2003] on Attachment 2, Item 5, it will now read: "5. Establish a task force, working group, or other organizational structure consisting of existing community groups, tenant organizations and property owners including but not limited to the Tenant and Workers' Support Committee, Hume Springs Civic Association, Arlandria Civic Association, and the Chirilaqua Cooperative to provide technical and financial assistance in ownership efforts."** With respect to the May 16, 2003 memorandum, the revised version of Attachment 1 handed out by staff on 5/17/03, was incorporated into the motion "without objection." The voting was as follows:

Eberwein	"aye"	Cleveland	"aye"
Pepper	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

At 2:00 p.m., City Council took a lunch break.

At 2:20 p.m., City Council reconvened the meeting.

Without objection, City Council considered docket item nos. 9 and 10 together but under separate motions.

9. MASTER PLAN AMENDMENT #2003-0006 -- Public Hearing and Consideration of an amendment to the City's Master Plan to add the Open Space Plan.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 9; 5/17/03, and is incorporated herewith as part of this record by reference.)

10. MASTER PLAN AMENDMENT #2003-0007 -- Public Hearing and Consideration of an amendment to the City's Master Plan to add the strategic plan for Recreation, Parks and Cultural Activities.

COMMISSION ACTION: Approved 7-0

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 10; 5/17/03, and is incorporated herewith as part of this record by reference.

A copy of the City Manager's memorandum dated May 13, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 9 and 10; 5/17/03, and is incorporated herewith as part of this record by reference.

Communications received on these items are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item Nos. 9 and 10; 5/17/03, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on these items:

Bruce Dwyer, 604 Melrose Street, representing the Park and Recreation Commission, spoke in support;

Bill Dickinson, 805 Quaker Lane, representing the Seminary Hills Association as well as himself, spoke in support;

Bill Hendrickson, 304 East Spring Street, spoke in support;

Ellen Pickering, 103 Roberts Lane, spoke in support and would hope that our plan would connect all of our stream valleys;

Cindy DeGood, 2411 Leslie Avenue, member, Environmental Policy Commission and Open Space Work Group, spoke in support; and

Julie Crenshaw, 816 Queen Street, spoke to concerns about implementation.

9. **WHEREUPON**, upon motion by Councilwoman Eberwein, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Eberwein	"aye"	Cleveland	"aye"
Euille	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

10. **THEREUPON**, upon motion by Councilwoman Pepper, seconded by Councilwoman Eberwein and carried unanimously, City Council approved the Planning Commission recommendation. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Eberwein	"aye"	Euille	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

11. **SPECIAL USE PERMIT #2003-0017 -- 108 N PATRICK ST -- Public Hearing and Consideration of a request for a special use permit to operate a restaurant; zoned CD/Commercial Downtown. Applicant: Sarah E. Pribadi.**

COMMISSION ACTION: Recommend Denial 7-0

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 11; 5/17/03, and is incorporated herewith as part of this record by reference.)

Martin B. Kormanik, 110 North Patrick Street, was present to speak in opposition but waived his time.

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried unanimously, City Council approved the Planning Commission recommendation, and denied the Special Use Permit. The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

Without objection, City Council considered docket item nos. 12 and 13 together, but under separate motions.

12. DEVELOPMENT SPECIAL USE PERMIT #2002-0028 -- STREET NAME, CASE #2003-0001 -- 901 SLATER'S LA -- POTOMAC YARD - POTOMAC PLAZA -- Public Hearing and Consideration of a request for a development special use permit, with site plan, and subdivision for construction of retail and restaurant use buildings, sales trailer and to change a public street name; zoned CDD-10/Coordinated Development District. Applicant: Potomac Greens Associates, LLC, by Jonathan P. Rak, attorney.

COMMISSION ACTION: Recommend Approval 7-0

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 12; 5/17/03, and is incorporated herewith as part of this record by reference.)

13. DEVELOPMENT SPECIAL USE PERMIT #2002-0026 -- ENCROACHMENT #2003-0002 -- STREET NAME, CASE #2003-0002 -- 2201 JEFFERSON DAVIS HWY -- POTOMAC YARD - POTOMAC GREENS -- Public Hearing and Consideration of a request for a development special use permit, with site plan and subdivision for construction of residential dwellings, temporary sales trailer, encroachments into the public right-of-way and naming of public streets; zoned CDD-10/Coordinated Development District. Applicant: Potomac Greens Associates, LLC, by Jonathan P. Rak, attorney.

COMMISSION ACTION: DEVELOPMENT SPECIAL USE PERMIT --
Recommend Approval 5-2

COMMISSION ACTION: ENCROACHMENT -- Recommend Approval 7-0

COMMISSION ACTION: STREET NAME CASE -- Recommend Approval 7-0

(A copy of the Planning Commission report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 13; 5/17/03, and is incorporated herewith as part of this record by reference.)

A copy of the PowerPoint presentation is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of Item Nos. 12 and 13; 5/17/03, and is incorporated herewith as part of this record by reference.

Communications received on these items are on file in the office of the City Clerk and Clerk of Council, marked collectively as Exhibit No. 3 of Item Nos. 12 and 13; 5/17/03, and is incorporated herewith as part of this record by reference.)

Planning and Zoning Director Fogarty and Deputy Director of Transportation and Environmental Services Culpepper provided a brief presentation to the Members of Council on these items.

Members of Council directed questions to Ms. Fogarty, and City Attorney Pessoa participated in the discussion regarding the removal of the 5 units.

The following persons participated in the public hearing on these items:

William Carnell, 715 Hawkins Way, spoke in opposition;

Susan Carnell, 715 Hawkins Way, spoke in opposition;

Jonathan Rak, 1750 Tysons Boulevard, McLean, VA, attorney representing the applicant, presented the application, spoke in support, and felt very strongly that the 5 units in question should be included and approved in this plan. He proposed that if you take 5 typical units 16' wide, 40' deep and you multiply that by 5 you get 3200 square feet. That's the amount of land area that 5 townhouses would cover. He indicated the applicant is willing to manipulate the plan, remove a number of visitor parking spaces and slide it in a fashion that the 3200-square feet can be picked up and put into the southern park so that they can accomplish what may have been the Planning Commission's goal in removing those 5 units. Mr. Rak spoke to a third potential landing for the pedestrian bridge on Potomac Greens and if that is the wish of the Council, they would go along with that. In addition, on the issues with the National Park Service and the visibility from the Parkway, they've agreed to the conditions on the landscaping and addressed the guidelines regarding this. He requested a technical amendment to condition #44 by adding the following as the last sentence: **"The applicant's obligations under this condition shall be dependent on the availability of necessary off-site easements;"** a copy of Mr. Rak's letter dated May 16, 2003, is on file in the office of the City Clerk and Clerk of Council and is incorporated herewith as part of the record;

Ken Hanson, 710 Arch Hall Lane, representing Old Town Greens Townhome Owners Association, spoke in opposition;

Don Mela, 501 Slaters Lane, #722, spoke in opposition;

Bill Hendrickson, 304 East Spring Street, spoke in support; a copy of his statement is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 4 of these items;

Roger Waud, 501 Slaters Lane, #1203, representing NOTICE, spoke to the traffic on Slaters Lane and recommended that North Slaters Lane be closed; a copy of his chart is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 5 of these items;

Chris Stephen, 723B Slaters Lane, spoke to the traffic on Slaters Lane, addressed the water pressure issue in the Old Town Greens property, and requested that the foot bridge be placed in Potomac Greens;

Sally Ann Greer, 1168 North Pitt Street, representing NOTICE, expressed concern about density, the impact on traffic and the stability of the land in the area;

Ellen Pickering, 103 Roberts Lane, spoke to maintaining the fence along the Parkway, supported lowering the units along the Parkway and spoke to the sewer lines being connected to the Potomac Yard trunk before any occupancy permits are issued. She also spoke to the stability of the soil;

Brian Detter, 717 Catts Tavern Drive, representing Old Town Greens Townhomes, spoke in opposition; a copy of his handouts is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 6 of these items;

Thomas C. Farnam, 703 Hawkins Way, expressed traffic concerns and safety;

Mariella Posey, 915 Second Street, expressed concern about the cost of the units which negates the possibility of providing any affordable housing;

Keith Noreika, 707 Scarborough Way, spoke in opposition;

Poul Hertel, 1217 Michigan Court, spoke in support; and

Jennifer Zydney, 714-A Norfolk Lane, spoke.

Councilwoman Eberwein and Councilman Speck expressed concern to assure that prospective purchasers be provided with accurate information regarding notification of conditions and terms related to this development, and that it be made a part of the HOA documents. Staff was requested to schedule, at one of the four meetings remaining for this session, a specific discussion about this issue of notification of conditions and terms related to developments, and, particularly, as it relates to secondary sales.

City Attorney Pessoa stated that the problem with the emergency easement is that it crosses the property of the Abingdon Apartments. This language was added to make clear that the City would work with the applicant. He noted that they also do not have a clear emergency vehicle easement. We're going to attempt to go back to see the history of that project whether there should be one, in fact, recorded behind those buildings. But, the City will be in a position to provide, one way or another, that there is this connecting link that will trigger this and will result in there being an emergency vehicle easement across this property. The language was intended to allow the flexibility for us to work with the applicant to reach that result and to assure that result occurs.

City Council considered the motion on docket item no. 13, then it considered the motion on docket item no. 12.

13. **WHEREUPON**, upon motion by Councilman Speck, seconded by Councilman Euille and carried unanimously, City Council approved the Planning Commission recommendation with the following changes in no particular order: **adding a change to condition no. 44 regarding emergency easements [as outlined in the applicant's memorandum dated May 16, 2003]; restoring the five units that were eliminated by the Planning Commission [eliminating condition no. 96]; [adding a new condition no. 96] increasing the open space by 3200 square feet [to be added to the southern part] which would eliminate sufficient visitor parking subject to the approval of the Planning Director; providing additional landscaping and buffering around the stormwater retention pond to the satisfaction of the Planning Director; and adding a change in condition no. 3 as noted by the Mayor regarding the pedestrian bridge to clarify what Council's objective is on a future location there; although Council prefers the surface easement, if there is a**

pedestrian bridge, that it will be in the Potomac Greens part of the development [a copy of the amended condition no. 3 is on file in the office of the City Clerk and Clerk of Council, and is incorporated herewith as part of item no. 13]. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Pepper	"aye"
	Woodson	"aye"	

12. **WHEREUPON**, a motion was made by Councilman Speck, seconded by Councilwoman Eberwein that City Council approve the Planning Commission recommendation.

THEREUPON, a motion to amend the original motion was made by Councilwoman Woodson, seconded by Councilwoman Pepper and carried on a vote of 4-to-3, **an amendment was offered that would accommodate the maintenance of the North Slater's Lane part, that it be changed from a two-lane to a one-lane road, it would be right-turn only, no left-turn, that the left-hand hook be removed, the corresponding open space reduction would be included as part of the amendment to the special use permit, and that a sidewalk be provided for pedestrian access, with the contingency for CSX approval for two crossings, and if, in fact, we are unable to get CSX approval for two crossings, that we would return to the Modified T intersection, and the amendment would be removed.** The voting was as follows:

Woodson	"aye"	Cleveland	"no"
Pepper	"aye"	Eberwein	"no"
Donley	"aye"	Euille	"aye"
	Speck	"no"	

WHEREUPON, Council returned to the original motion, as amended, made by Councilman Speck, seconded by Councilwoman Eberwein and carried unanimously, City Council approved the Planning Commission recommendation **with an amendment that would accommodate the maintenance of the North Slater's Lane part, that it be changed from a two-lane to a one-lane road, it would be right-turn only, no left-turn, that the left-hand hook be removed, the corresponding open space reduction would be included as part of the amendment to the special use permit, and that a sidewalk be provided for pedestrian access, with the contingency for CSX approval for two crossings, and if, in fact, we are unable to get CSX approval for two crossings, that we would return to the Modified T intersection, and the amendment would be removed.** The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Eberwein	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"aye"
	Woodson	"aye"	

**Board of Architectural Review
Old and Historic Alexandria District**

14. Public Hearing and Consideration of an Appeal of the Decision of the Board of Architectural Review, Old and Historic Alexandria District, for approval of signage at 201 North Washington Street, zoned OCM Commercial. Applicant and Appellant: Military Officers Association of America by J. E. Strickland.

Board Action: Approved, as amended, 4-2

(A copy of the Board of Architectural Review report dated May 8, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 14; 5/17/03, and is incorporated herewith as part of this record by reference.)

The following persons participated in the public hearing on this item:

Tom Hulfish, 520 King Street, representing the Old and Historic Alexandria District Board of Architectural Review, spoke against the appeal and in support of the Board's action;

Peter C. Wylie, 201 North Washington Street, representing the Military Officers Association of America (MOAA), spoke in support of the appeal;

Ellen Pickering, 103 Roberts Lane, spoke against the appeal;

Poul Hertel, 1217 Michigan Court, spoke against the appeal; and

Carolyn Merck, 324 North Royal Street, representing the Old Town Civic Association, spoke against the appeal.

The public hearing was concluded.

WHEREUPON, a motion was made by Councilwoman Pepper, seconded by Councilwoman Woodson to move that City Council find that the shield logo signs, at the sizes and locations approved by the Board of Architectural Review, but in red, white and blue as proposed by the applicant, will use historically appropriate colors. These, however, will be incongruous to the old and historic aspect of the 200 block of North Washington Street as a portion of the GW Parkway, and to the historic setting of Christ Church, and are not compatible in design, style, material, construction and quality for that block.

Accordingly, it was moved that City Council determine that the application with shield logo signs in red, white and blue, as proposed by the applicant, does not meet the criteria for a certificate of appropriateness under Sections 9-301, 10-105(A)(2) and 10-105(A)(3) of the Alexandria Zoning Ordinance, and that the decision of the Board be affirmed in all respects.

There was discussion on the above motion. Members of City Council, City Manager Sunderland, Chair Hulfish participated in the discussion of this item. Members of Council and the City Manager posed questions to BAR staff member Smith, Chair Hulfish and the applicant.

BAR staff member Smith provided Council with a picture of the red Office Depot sign which is on the building directly across the street from MOAA; a copy of which is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 2 of this item.

Councilwoman Eberwein requested staff to resolve this. She asked that staff look at the Washington Street Guidelines. Clearly, this is something that is totally inconsistent both with regard to how it is being applied, and how it is being directed. Mayor Donley agreed with Ms. Eberwein's request.

At this point, Council returned to the motion.

WHEREUPON, a motion was made by Councilwoman Pepper, seconded by Councilwoman Woodson that City Council find that the shield logo signs, at the sizes and locations approved by the Board of Architectural Review, but in red, white and blue as proposed by the applicant will use historically appropriate colors. These, however, will be incongruous to the old and historic aspect of the 200 block of North Washington Street as a portion of the GW Parkway, and to the historic setting of Christ Church, and are not compatible in design, style, material, construction and quality for that block.

Accordingly, it was moved that City Council determine that the application with shield logo signs in red, white and blue, as proposed by the applicant, does not meet the criteria for a certificate of appropriateness under Sections 9-301, 10-105(A)(2) and 10-105(A)(3) of the Alexandria Zoning Ordinance, and that the decision of the Board be affirmed in all respects; which motion FAILED on a vote of 3-to-4. The voting was as follows:

Pepper	"aye"	Cleveland	"no"
Woodson	"aye"	Eberwein	"no"
Donley	"no"	Euille	"aye"
		Speck	"no"

THEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Eberwein and carried on a vote of 5-to-2, City Council found that the shield logo signs, at the sizes and locations approved by the Board of Architectural Review, but in red, white and blue as proposed by the applicant, use historically appropriate colors, will not be incongruous to the old and historic aspect of the 200 block of North Washington Street as a portion of the GW Parkway, and are compatible in design, style, material, construction and quality for that block.

Accordingly, City Council determined that the application as approved by the Board, but with shield logo signs in red, white and blue as proposed by the applicant, meets the criteria for a certificate of appropriateness under Sections 9-301, 10-105(A)(2) and 10-105(A)(3) of the Alexandria Zoning Ordinance, and that the decision of the Board be so modified. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Eberwein	"aye"	Euille	"aye"
Donley	"aye"	Pepper	"no"
		Woodson	"no"

ORDINANCES AND RESOLUTIONS

15. Public Hearing, Second Reading and Final Passage of an Ordinance to revise the membership and functions of the Alexandria Commission on HIV/AIDS. (#19 5/13/03) **[ROLL-CALL VOTE]**

WHEREUPON, upon motion by Councilwoman Pepper, seconded by Councilman Speck and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Speck	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
	Woodson	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4299

AN ORDINANCE to amend Article P (ALEXANDRIA COMMISSION ON HIV/AIDS) of Chapter 4 (COMMITTEES, BOARDS AND COMMISSIONS), Title 2 (GENERAL GOVERNMENT), of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article P of Chapter 4, Title 2 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended to read as follows:

Article P

ALEXANDRIA COMMISSION ON HIV/AIDS

Section 2-4-116 Creation, composition and organization.

- (a) There is hereby established a commission known as the Alexandria Commission on HIV/AIDS ("commission").
- (b) The commission shall consist of 27 members to be appointed by the city council. The composition of the commission shall be as follows:
 - (1) two members from and representing the Alexandria Hospital, one of whom shall be from the hospital's department of pastoral services;
 - (2) one member from and representing the Whitman Walker Clinic;
 - (3) one member from and representing the Hospice of Northern Virginia;
 - (4) one member from and representing an HIV/AIDS service organization which provides services in the city to the minority community;

- (5) one member from and representing the Alexandria Chapter, American Red Cross;
 - (6) one member from and representing the Alexandria Gay and Lesbian Community Association;
 - (7) one member from and representing the Northern Virginia AIDS Ministry;
 - (8) one member from and representing the Alexandria Ministerial/Interfaith Association;
 - (9) one member from and representing the INOVA Visiting Nurses Association Home Health;
 - (10) one member from and representing the City of Alexandria Public Schools;
 - (11) one member from and representing the Alexandria Public Health Advisory Commission;
 - (12) the sheriff, or the sheriff's designee;
 - (13) one member from and representing the Alexandria Community Services Board;
 - (14) one member from and representing the Alexandria Human Rights Commission;
 - (15) one member from and representing the Alexandria Youth Policy Commission;
 - (16) one member from and representing the Alexandria Commission for Women;
 - (17) one member from and representing the Alexandria Redevelopment and Housing Authority;
 - (18) one member who is a practicing physician;
 - (19) one student who currently attends T.C. Williams High School; and
 - (20) seven citizens-at-large.
- (c) Members of the commission shall be appointed in the manner prescribed in article A of this title; provided, that a member who, under subsection (b), is representing an organization shall be nominated by the organization and appointed by city council. Members shall serve for a term of three years; provided, however, that of the members first appointed, one-third shall be selected by lot to serve a term of one year, and one-third shall be selected by lot to serve a term of two years.

Sec. 2-4-117 Functions.

- (a) The functions of the commission shall be as follows:
 - (1) to advise city council in the formulation and implementation of public policy on the treatment of AIDS and prevention of the spread of HIV, and to promote citizen participation in the formulation of such policy;
 - (2) to provide city council and the public with current information regarding AIDS and HIV, and to promote educational programs on AIDS/HIV awareness, treatment and prevention;
 - (3) to make an annual report to the city council which shall include a summary of the number of Alexandria residents who have been diagnosed with AIDS or HIV, and a description of the activities of the commission during the period covered by the report;
 - (4) to function as the community advisory board for HIV and AIDS services delivered by the Alexandria health Department; and
 - (5) to perform such other duties or functions as assigned by city council.
- (b) The commission shall hold at least six regular meetings each year, and as many special meetings as the commission may deem advisable.
- (c) The commission is empowered to adopt rules regarding its internal operating procedures as long as the same are not inconsistent with the city code, including, but not limited to, the establishment of committees through which it may carry on its functions and purpose.
- (d) A commission chair, vice-chair and secretary shall be elected annually by the commission members at the annual organizational meeting designated by the commission.
- (e) The department of health and the office of citizen assistance shall provide administrative and logistical support to the commission and its chair.

Section 2. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: May 13, 2003
First Reading: May 13, 2003
Publication: May 15, 2003
Public Hearing: May 17, 2003
Second Reading: May 17, 2003
Final Passage: May 17, 2003

* * * * *

16. Public Hearing, Second Reading and Final Passage of an Ordinance to grant an encroachment into the sidewalk for outdoor seating at the Starbucks Coffee Company, 6 King Street. (#20 5/13/03) **[ROLL-CALL VOTE]**

WHEREUPON, upon motion by Councilman Speck, seconded by Councilwoman Pepper and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Speck	"aye"	Cleveland	"aye"
Pepper	"aye"	Eberwein	"aye"
Donley	"aye"	Euille	"aye"
	Woodson	"aye"	

The ordinance as finally passed reads as follows:

ORDINANCE NO. 4300

AN ORDINANCE authorizing Starbucks Coffee Company to establish and maintain an encroachment for outdoor restaurant seating into the public sidewalk right-of-way at 6 King Street, in the City of Alexandria, Virginia.

WHEREAS, Starbucks Coffee Company ("Tenant") is the Tenant of portion of the commercial property located at 6 King Street, in the City of Alexandria, Virginia; and

WHEREAS, Tenant desires to establish and maintain outdoor restaurant seating which will encroach into the public sidewalk right-of-way at 6 King Street; and

WHEREAS, the public right-of-way at that point on 6 King Street will not be significantly impaired by this encroachment; and

WHEREAS, this encroachment has been approved by the Planning Commission of the City of Alexandria at one of its regular meetings subject to certain conditions; and

WHEREAS, it has been determined by the Council of the City of Alexandria that this encroachment is not detrimental to the public interest; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Tenant be, and the same hereby is, authorized to establish and maintain an encroachment into the public sidewalk right-of-way at 6 King Street, in the City of Alexandria, said encroachment consisting of outdoor restaurant seating, in an area approximately 25 feet long and 5 feet wide along the front building wall on King Street, not to exceed 15 seats, as generally shown on the Encroachment Plan attached hereto, until the encroachment is removed or destroyed or the authorization to maintain it is terminated by the city; provided, that this authorization to establish and maintain the encroachment shall not be construed to relieve Tenant of liability for any negligence on his part on account of or in connection with the encroachment and shall be subject to the provisions set forth below.

Section 2. That the authorization hereby granted to establish and maintain said encroachment shall be subject to and conditioned upon Tenant maintaining, at all times and at his own expense, liability insurance, covering both bodily injury and property damage, with a company authorized to transact business in the Commonwealth of Virginia and with minimum limits as follows:

Bodily Injury:	\$1,000,000 each occurrence \$1,000,000 aggregate
Property Damage:	\$1,000,000 each occurrence \$1,000,000 aggregate

This liability insurance policy shall identify the City of Alexandria and Tenant as named insureds and shall provide for the indemnification of the City of Alexandria and Tenant against any and all loss occasioned by the establishment, construction, placement, existence, use or maintenance of the encroachment. Evidence of the policy and any renewal thereof shall be filed with the city attorney's office. Any other provision herein to the contrary notwithstanding, in the event this policy of insurance lapses, is canceled, is not renewed or otherwise ceases to be in force and effect, the authorization herein granted to establish and maintain the encroachment shall, at the option of the city, forthwith and without notice or demand by the city, terminate. In that event, Tenant shall, upon notice from the city, remove the encroachment from the public right-of-way, or the city, at its option, may remove the encroachment at the expense and risk of Tenant. Nothing in this section shall relieve Tenant of his obligations and undertakings required under this ordinance.

Section 3. That the authorization hereby granted to establish and maintain said encroachment shall in addition be subject to and conditioned upon the following terms:

- (a) Neither the City of Alexandria nor any public utility company shall be responsible for damage to Tenant's property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.
- (b) Tenant shall define the area of encroachment to include the anchored umbrella canopies to the satisfaction of the Director of Transportation and Environmental Services.
- (c) A minimum clear pedestrian pathway of six feet shall be maintained at all times.
- (d) Tenant shall obtain, at its expense, one Model SD-42 Bethesda Series litter receptacle for installation on the adjacent right-of-way of Union Street.
- (e) Tenant shall at all times implement and maintain a landscaped planter plan to include four seasons of plants in at least two black containers of a style and at a location approved by the Director of Parks, Recreation and Cultural Activities.

Section 4. That by accepting the authorization hereby granted to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, Tenant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.

Section 5. That the authorization herein granted to establish and maintain the encroachment shall be subject to Tenant's maintaining the area of the encroachment at all times unobstructed and free from accumulation of litter, snow, ice and other potentially dangerous matter.

Section 6. That nothing in this ordinance is intended to constitute, or shall be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.

Section 7. That Tenant shall timely pay to the City of Alexandria for the encroachment authorized herein the annual charge established in § 3-2-85 of The Code of the City of Alexandria, Virginia, 1981, as amended.

Section 8. That the authorization herein granted to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from Tenant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by Tenant without cost to the city. If Tenant cannot be found, or shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of Tenant, and shall not be liable to Tenant for any loss or damage to the structure of the encroachment caused by the removal.

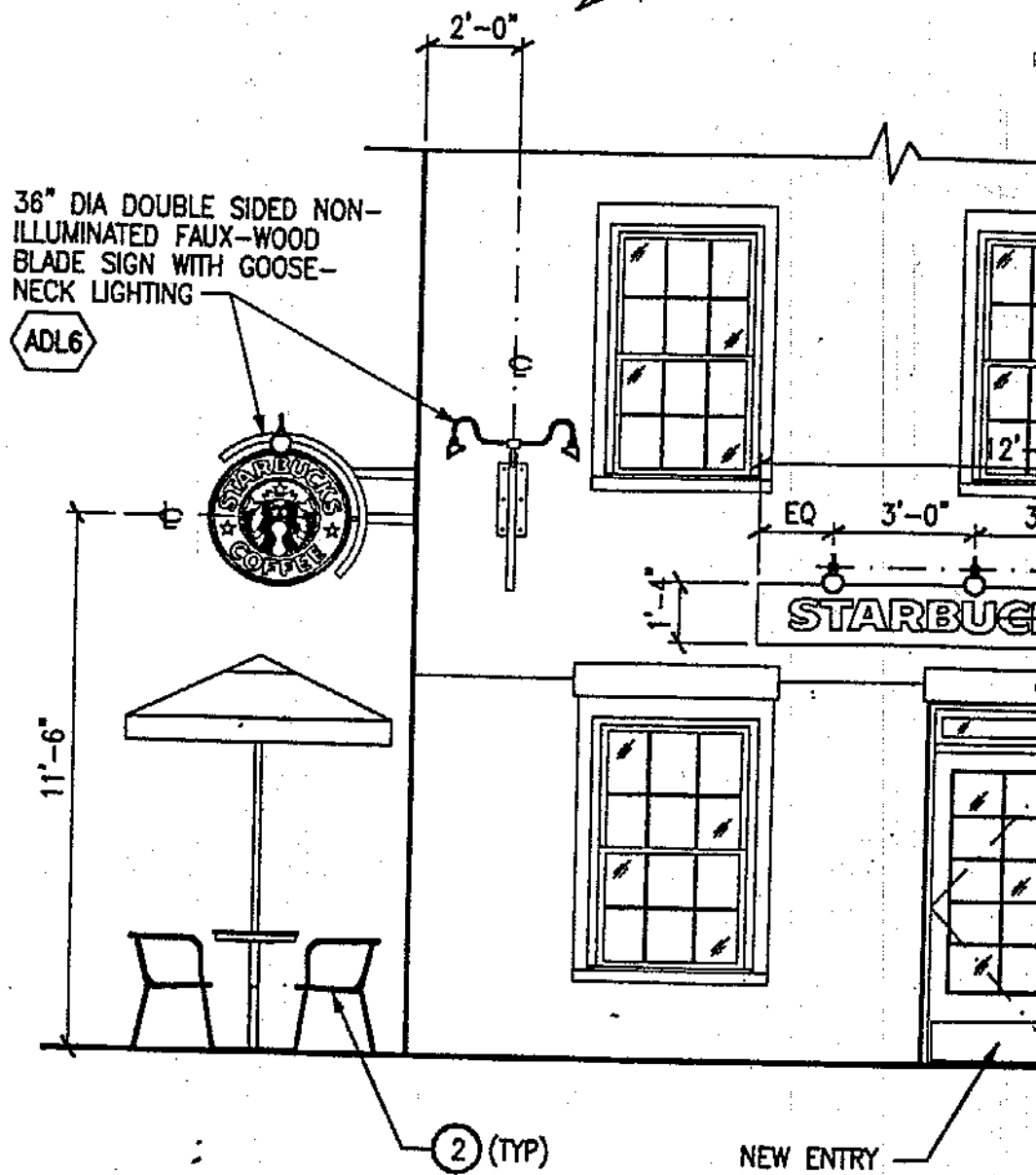
Section 9. That this ordinance shall be effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Attachment: Encroachment Plan

Introduction:	May 13, 2003
First Reading:	May 13, 2003
Publication:	May 15, 2003
Public Hearing:	May 17, 2003
Second Reading:	May 17, 2003
Second Reading:	May 17, 2003

* * * * *



WEST ELEVATION (S. UNION ST)

17. Public Hearing, Second Reading and Final Passage of an Ordinance to increase the sewer line maintenance charge imposed by section 5-6-26 of the City Code. (#21 5/13/03) **[ROLL-CALL VOTE]**

(A copy of the City Manager's memorandum dated May 7, 2003, is on file in the office of the City Clerk and Clerk of Council, marked Exhibit No. 1 of Item No. 17; 5/17/03, and is incorporated herewith as part of this record by reference.)

WHEREUPON, upon motion by Councilman Euille, seconded by Vice Mayor Cleveland and carried on a unanimous ROLL-CALL vote, City Council finally passed the Ordinance upon its Second Reading and Final Passage. The voting was as follows:

Euille	"aye"	Eberwein	"aye"
Cleveland	"aye"	Pepper	"aye"
Donley	"aye"	Speck	"aye"
	Woodson	"aye"	

The ordinance finally passed reads as follows:

ORDINANCE NO. 4301

AN ORDINANCE to amend and reordain Section 5-6-26 (SEWER LINE MAINTENANCE CHARGE IMPOSED; PROVISIONS FOR COLLECTION; LIENS AND CESSATION OF WATER SERVICE FOR DELINQUENT CHARGES) of Article B (SEWAGE DISPOSAL AND DRAINS), Chapter 6 (WATER AND SEWER), Title 5 (TRANSPORTATION AND ENVIRONMENTAL SERVICES) of The Code of the City of Alexandria, Virginia, 1981, as amended.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 5-6-26 of The Code of the City of Alexandria, Virginia, 1981, as amended, be, and the same hereby is, amended and reordained as follows:

Sec. 5-6-26 Sewer line maintenance charge imposed; provisions for collection; liens and cessation of water service for delinquent charges.

(a) Pursuant to the authority contained in section 15.1-320(7) of the Code of Virginia, and as provided by section 15.1-321 of that Code, there is hereby imposed, upon all parcels of real estate from which sewerage is discharged into lines maintained by the city, a sewer line maintenance charge of one dollar and twenty cents (\$1.20) per quarter or forty cents (\$0.40) for every 1,000 gallons of water supplied per quarter to such parcel by the Virginia-American Water Company, whichever is the greater sum; provided, that if the charge for water supplied to any parcel is billed on a monthly basis, the sewer line maintenance charge imposed on the parcel shall be forty cents (\$0.40) per month or forty cents (\$0.40) for every 1,000 gallons of water supplied per month to such parcel, whichever is greater; and provided, further, that for any parcel of real estate having more than one meter for the measurement of water consumption attributable to that parcel, one or more of which meters measures only water which will not be discharged into the sanitary sewer lines of the city, that parcel shall be charged as provided herein on the total water consumption attributable to that parcel after subtracting the amount of water not discharged into the sanitary sewer lines of the city.

(b) For the purpose of this article, bills shall be considered monthly bills if submitted 12 times per year for periods of approximately one month each and quarterly bills if submitted four times per year for periods of approximately three months each.

(c) The sewer line maintenance charge shall in every case be collected by the Virginia-American Water Company from the owner, lessee or tenant of each parcel, or some or all of them, and remitted by the water company to the city in such manner and on such terms as shall be agreed upon by the water company and the city council, consistent with the provisions of this section. In the event any such charges are unpaid 30 days after the date they are billed by the water company as hereinabove provided, interest shall at that time begin to accrue thereon at the rate of one percent per month, and the owner, lessee or tenant, as the case may be, of the parcel of real estate on which the charge was imposed shall, until such charges shall be paid with interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewer line maintained by the city, and is such owner, lessee or tenant shall not cease disposal within two months thereafter, the water company shall cease supplying water thereto unless the Director of the Alexandria Health Department shall certify that the shutting off of the water will endanger the health of the occupants of the premises or the health of others. Such charges and interest thereon shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

Section 2. That this ordinance shall become effective on July 1, 2003.

KERRY J. DONLEY
Mayor

Introduction:	May 13, 2003
First Reading:	May 13, 2003
Publication:	May 15, 2003
Public Hearing:	May 17, 2003
Second Reading:	May 17, 2003
Second Reading:	May 17, 2003

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REPORTS OF BOARDS, COMMISSIONS AND COMMITTEES (continued)

DEFERRAL/WITHDRAWAL CONSENT CALENDAR (18-19)

Planning Commission (continued)

18. VACATION #2003-0002 -- 1680-1690 POTOMAC GREENS DRIVE -- Public Hearing and Consideration of a Vacation of two easements held by the City of Alexandria for future construction of a pedestrian bridge across the rail corridor on Blocks 3-B and 1-B of Old Town Greens, otherwise known as 1680-1690 Potomac Greens Drive; zoned CDD-10/Coordinated Development District. Applicant: City of Alexandria, Planning and Zoning Department.

COMMISSION ACTION: Deferred 6-1

19. SPECIAL USE PERMIT #2003-0024 -- 2838 DUKE ST -- Public Hearing and Consideration of review of a special use permit for an automobile service station; zoned CG/Commercial General. Applicant: Essam Danfora.

COMMISSION ACTION: Deferred (Applicant request)

END OF DEFERRAL/WITHDRAWAL CONSENT CALENDAR

Without objection, City Council noted the deferrals.

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New Business Item No. 3: Mayor Donley noted that this was City Clerk Beverly Jett's last City Council Meeting as she will be out of town for the May 27 Meeting, and Jackie Henderson will be starting on June 2.

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THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Councilwoman Pepper, seconded by Councilman Euille and carried unanimously, at 5:50 p.m., the Public Hearing Meeting of May 17, 2003, was adjourned. The voting was as follows:

Pepper	"aye"	Cleveland	"aye"
Euille	"aye"	Eberwein	"aye"
Donley	"aye"	Speck	"aye"
		Woodson	"aye"

* * * * *

APPROVED BY:

KERRY J. DONLEY **MAYOR**

ATTEST:

Beverly I. Jett, CMC **City Clerk**